House File 2343 - Introduced

HOUSE FILE 2343

BY COMMITTEE ON ENVIRONMENTAL PROTECTION

(SUCCESSOR TO HSB 553)

A BILL FOR

- 1 An Act relating to the submission of a groundwater hazard
- 2 statement.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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- 1 Section 1. Section 558.69, subsection 1, unnumbered
- 2 paragraph 1, Code 2022, is amended to read as follows:
- 3 With each declaration of value submitted to the county
- 4 recorder under chapter 428A, except as specified in subsection
- 5 8A, there shall be submitted a groundwater hazard statement
- 6 stating all of the following:
- 7 Sec. 2. Section 558.69, subsection 3, Code 2022, is amended
- 8 by striking the subsection.
- 9 Sec. 3. Section 558.69, subsections 4, 7, and 8, Code 2022,
- 10 are amended to read as follows:
- 11 4. A buyer of property shall be provided with a copy of the
- 12 submitted groundwater hazard statement, if required under this
- 13 section, by the seller.
- 7. The county recorder shall transmit the groundwater
- 15 hazard statements to the department of natural resources
- 16 at times and in a manner directed by the director of the
- 17 department. Groundwater hazard statements may be transmitted
- 18 electronically to the department or may be presented to the
- 19 department through a browser interface provided through the
- 20 county land record information system. The form and timing of
- 21 the transmittal shall be determined by the department and the
- 22 county recorders.
- 23 8. The owner of the property is responsible for the
- 24 accuracy of the information submitted on the groundwater
- 25 hazard statement. The owner's agent and the preparer of the
- 26 groundwater hazard statement shall not be liable for the
- 27 accuracy of information provided by the owner of the property
- 28 unless the owner's agent or the preparer of the groundwater
- 29 hazard statement has direct knowledge contrary to the submitted
- 30 statement. The provisions of this subsection do not limit
- 31 liability which may be imposed under a contract or under any
- 32 other law.
- 33 Sec. 4. Section 558.69, Code 2022, is amended by adding the
- 34 following new subsections:
- 35 NEW SUBSECTION. 8A. a. If there are no conditions present,

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- 1 as described in subsection 1, then a groundwater hazard
- 2 statement shall not be submitted. In lieu of the submission
- 3 of a groundwater hazard statement, any deed, instrument, or
- 4 writing by which any real property in this state shall be
- 5 granted, assigned, transferred, or otherwise conveyed shall
- 6 include on the first page of the deed, instrument, or writing
- 7 the following statement:
- 8 There is no known groundwater hazard and, therefore, the
- 9 parcel is exempt from including a groundwater hazard statement
- 10 pursuant to Iowa Code section 558.69.
- 11 b. The owner of the property is responsible for the accuracy
- 12 of the statement provided in paragraph "a".
- 13 c. The owner's agent and the preparer of a statement
- 14 included pursuant to paragraph "a" shall not be liable for
- 15 information pertaining to the statement unless the owner's
- 16 agent or the preparer has direct knowledge contrary to the
- 17 included statement.
- 18 NEW SUBSECTION. 8B. a. If a required declaration of
- 19 value is not accompanied by a groundwater hazard statement,
- 20 if required under this section, or if the first page of the
- 21 deed, instrument, or writing by which any real property in this
- 22 state shall be granted, assigned, transferred, or otherwise
- 23 conveyed does not include the statement provided in subsection
- 24 8A, paragraph "a", if required under this section, the county
- 25 recorder shall refuse to record the deed, instrument, or
- 26 writing.
- 27 b. A recording in violation of this subsection shall not be
- 28 the basis for invalidating the deed, instrument, or writing.
- 29 EXPLANATION
- The inclusion of this explanation does not constitute agreement with the explanation's substance by the members of the general assembly.
- 32 This bill relates to the submission of a groundwater hazard
- 33 statement with a declaration of value upon the conveyance
- 34 of real property. Under current law, a groundwater hazard
- 35 statement stating whether certain groundwater hazards exist

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1 shall accompany each declaration of value submitted to a county 2 recorder when any real property in this state is granted, 3 assigned, transferred, or otherwise conveyed. Current law also 4 requires a county recorder to transmit a groundwater hazard 5 statement to the department of natural resources (DNR) as 6 directed by the DNR director. Under the bill, a person shall not include a groundwater 8 hazard statement with a deed, instrument, or writing if no 9 specified conditions exist on the property. Rather, the first 10 page of the deed, instrument, or writing shall include a 11 statement indicating that no groundwater hazard exists on the 12 property and, therefore, the parcel is exempt from including 13 a groundwater hazard statement. The owner of the property is 14 responsible for the accuracy of such statement. An owner's 15 agent, a preparer of a groundwater hazard statement, and a 16 preparer of a statement that no known groundwater hazard exists 17 shall not be liable for the accuracy of information provided 18 by the owner of the property unless the person has direct 19 knowledge contrary to the submitted statement. The bill requires a county recorder to refuse to record 21 any deed, instrument, or writing by which any real property 22 in this state is conveyed if the deed, instrument, or writing 23 and a required declaration of value is not accompanied by a 24 groundwater hazard statement, if required, or if the exemption 25 statement is not present on the first page of the deed, 26 instrument, or writing, if required. However, a recording in 27 violation of the bill shall not be the basis for invalidating 28 a deed, instrument, or writing. Additionally, the bill 29 authorizes a county recorder to transmit a groundwater hazard 30 statement to DNR electronically or presented through a browser

31 interface provided by the county land record information system

32 as determined by DNR and the county recorders.